



**City Manager's Office**  
City of Frisco, Texas

## Memorandum

**To:** Honorable Mayor Maso and Members of the Frisco City Council

**Cc:** George Purefoy, City Manager  
Members of the Ad Hoc Committee on Ethics

**From:** Henry J. Hill Deputy City Manager

**Date:** April 13, 2009

**Agenda Caption:** Consider and act upon an ordinance amending Ordinance No. 00-11-01 (Code of Ethics)

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**Action Requested:** Approval by Council of an Ordinance revising the City of Frisco's Code of Ethics (Ordinance No. 00-01-11) based on the changes recommended by the Ad Hoc Committee on Ethics.

**Background Information:** At your April 7, 2009 meeting, Council received the report and recommendations of the Ad Hoc Committee on Ethics. That Committee had been meeting since October, 2008. The Committee has proposed changes to the City of Frisco's Ethics Code which simplify, streamline, clarify, and update the rules and requirements regarding ethics affecting the City Council, City Boards, and Key Officials.

Included in the agenda package is the proposed Ordinance which includes all revisions to Ordinance No. 00-01-11 as recommended by the Committee. Also included is a version which shows additions in **highlighting** and deletions in ~~striketrough~~.

In summary, the proposed changes to the Ordinance include:

Part A: Declaration of Policy

Sections - *Statement of Purpose, Definitions, Wording Interpretations*

- Various clarifications and improvements to syntax.
- Minor editing of definitions for clarification and consistency.
- There are no change to persons covered by Ordinance – Mayor and Council, appointed boards, and key officials.

#### Part B: Present City Officials

Sections - *Improper Economic Benefit, Unfair Advancement of Private Interests, Gifts, Confidential Information, Representation of Private Interests, Public Property and Resources, Political Activity, Actions of Others, Interaction with City Staff, City Council Interaction with General Public, Prohibited Interests in Contracts*

- Changes to Improper Economic Benefit Section include strengthening the General Rule, providing a better specification on familial relationships, clarifying actions which show a benefit, updating the actions which would require a Disclosure or Recusal.
- Gifts Section changes only include minor editing for syntax until possible Charter revision.
- In the Political Activity Section made revisions which would now allow a person to use their title (“prestige of member’s position” as stated in Code) for endorsements and to allow that a member can be their own Treasurer for a campaign.
- The Prohibited Interests in Contracts Section is deleted as it is covered in Local Government Code Chapter 171.

#### Part C: Former City Officials

Sections - *Continuing Confidentiality, Subsequent Representation, Discretionary Contracts.*

- Discretionary Contracts Section is revised to more clearly and concisely state the restrictions.

#### Part D: Persons Doing Business with the City

- This entire Part is deleted due to topic being covered in Local Government Code Chapter 176, which is incorporated by reference.

#### Part E (Now D): Members of the Public and Others

Section - *Forms of Responsibility.*

- Changes include only minor editing for syntax.

#### Part F (Now E): Ethics Review Process

Sections - *Definitions, City Attorney Opinions, Complaints, Procedures for Complaints Against City Officials.*

- Revised Definitions to add Chapter 176 to the listed “ethics laws”

- City Attorney Opinions Section has added language to allow for a “safe harbor” of relying on written City Attorney opinions when requested.
- Complaints Section has editing for clarity.
- Procedure for Complaints Section has substantial changes clarifying the complaint process, providing step-by-step process for the review, investigation, hearing, decision, and (if necessary) punishment on ethics complaints.

#### Part G (Now F): Enforcement Mechanisms

Sections- *Disciplinary Action, Civil Fine, Prosecution for Perjury, Voiding or Ratification of Contract, Disqualification from Contracting.*

- Civil Fine Section has changes specifying that each continuing day’s violation would constitute a separate offense, provides that a fine of up to \$500 per violation can be levied upon conviction.
- The entire Disqualification from Contracting Section is deleted as it is addressed in Local Government Code Chapter 176.

#### Part H (Now G) Administrative Provisions

Sections – *Other Obligations, Effective Date, Review of Ethics Code, Distribution and Training, Severability.*

- Changes include updating the effective date and minor editing for syntax.
- Providing that the Code be reviewed every 5 years.

As has been previously discussed, it will take a revision to the Charter to enact, the substantial changes suggested regarding the “gifts” section of the Code. The proposed Ordinance before Council at this point only makes minor editing changes to the section.

Suggested future revisions to the Charter and the Gifts Section of Part B: Present City Officials include changes to exceptions regarding travel by others (when authorized), admission to events at City venues, reasonable expenses for non-profit fund raising events, authorizing gifts of a value not exceeding \$50, specifications on how gifts up to \$250 would be regulated, and how gifts from friends, clients, and customers are regulated.

The Committee suggests that these be considered by Council and made a part of the Charter Review effort when that occurs.

**Financial Considerations:** Not applicable.

**Legal Review:** The City Attorney’s Office has prepared the proposed Ordinance.

#### **Supporting Documents:**

- Proposed draft ordinance revising Ordinance No. 00-01-11

- Suggested revisions to Part B: Present City Officials, Section 3 “Gifts” for consideration when a Charter review occurs

**Staff Recommendation:** That the City Council approve the proposed Ordinance. Also, that the Council provide the suggested changes for “gifts” to a future Charter Review Committee.